

Title 13

SEWERS

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Chapter 13.02**PURPOSE, SCOPE AND POLICY****Sections:**

13.02.010 Purpose.

13.02.020 Scope.

13.02.030 Liquid waste disposal policy.

13.02.010 Purpose.

The purpose of this title is to provide for the maximum beneficial public use of the city's wastewater system or facilities through adequate regulation of sewer construction, sewer use and industrial wastewater discharge; to provide for equitable distribution of the city's costs; and to provide procedures for complying with wastewater discharge requirements placed upon the city through interagency agreement or by other state or federal regulatory bodies. (Ord. 2466 § 7, 1991).

13.02.020 Scope.

This title shall be interpreted in accordance with the definitions set forth herein and the provisions of this title shall apply to the direct or indirect discharge of all waste into the city's wastewater system.

This title, among other things, provides for the regulation of sewer construction in areas within the city's boundaries, the quantity and quality of discharged wastes, the degree of waste pretreatment required, the setting of waste discharge fees to provide for equitable distribution of costs, the approval of plans for sewer construction, the issuance of permits for industrial wastewater discharge and of other miscellaneous permits, and the establishment of penalties for violation of this title. (Ord. 2466 § 7, 1991).

13.02.030 Liquid waste disposal policy.

The city builds and operates and/or contracts for public sewers and wastewater facilities, collectively known as the city's wastewater system, which serves homes, industries and commercial establishments. The following policies apply to wastewater discharges within the city's boundaries and to other discharges that are tributary to the city's wastewater facilities.

Generally, wastewater originating within the city's boundaries will be removed by the city's wastewater system, unless the wastewater will: (1) damage structures, (2) create nuisances (such as odors, etc.), (3) endanger public health, (4) impose unreasonable collection, treatment or disposal

costs on the city, (5) interfere with wastewater treatment processes, (6) fail to meet quality requirements set by regulatory government agencies or interagency agreements, or (7) detrimentally affect the local environment.

The city, in its general plan adopted in July 1989, has endorsed the concept of wastewater renovation and reuse in order to conserve water, to provide an alternate source of water supply and to reduce the overall costs of wastewater treatment and disposal. The renovation of wastewater through secondary and/or tertiary wastewater treatment processes will necessitate the imposition of stringent quality requirements on industrial wastewater discharges.

To comply with the Federal Water Pollution Control Act and the Federal Clean Water Act and to permit the city to meet increasingly higher standards, provisions are made in this title for the regulation of industrial wastewater discharges. This title establishes quantity and quality limitations on industrial wastewater discharges. Provisions are also made for cost recovery from industrial wastewater dischargers where the discharges impose inequitable collection, treatment or disposal costs on the city.

The city does prefer and encourage industrial wastewater dischargers to reach beyond simple compliance with limitations set upon their discharges, and to incorporate recovery and reuse provisions into their procedures to the maximum extent feasible. Optimum use of the city's wastewater facilities may require that certain industrial wastewaters be discharged during periods of low flow in the city's wastewater system. (Ord. 2466 § 7, 1991).

Chapter 13.04

DEFINITIONS

Sections:

13.04.010 Definitions.

13.04.010 Definitions.

Unless otherwise defined herein, terms relating to water and wastewater shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

The meaning of other various terms as used in this title shall be as follows:

A. "Agent" shall mean any person duly authorized by the city to perform specific work upon sewerage facilities under permit or under contract.

B. "Applicant" shall mean a person, partnership, entity, firm, association, corporation, or public agency applying for connection to a public sewer, approval of plans to construct or to modify wastewater facilities, or for a permit for industrial wastewater discharge.

C. "Building" shall mean a structure containing one or more fixtures and separated from any other structure.

D. "Building sewer" shall mean a privately maintained sewer which extends across private property from a building to a sewer lateral, public sewer, or private sewer.

E. "City manager" shall mean the city manager of the city of Chula Vista.

F. "Director" shall mean the director of public works or designee.

G. "Discharger" shall mean any person who discharges or causes a discharge of wastewater directly or indirectly into the city's wastewater system or facilities.

H. "Domestic wastewater" shall mean the liquid and waterborne wastes derived from the ordinary living processes in a dwelling unit, said wastes being of such character as to permit satisfactory disposal, without special treatment, into a public sewer.

I. "Fixture" shall mean any plumbing or wastewater outlet requiring a trap or vent.

J. "Food establishment" shall mean a food establishment as defined in Health and Safety Code Section 27520, as it may be amended from time to time.

K. "Grease pretreatment device" shall mean a device conforming to the Uniform Plumbing Code requirements for grease interceptors and/or grease traps approved by the director and the director of planning and building and designed to remove grease from wastewater before it enters the building sewer.

L. "Industrial wastewater" shall mean all wastewater, including all wastewater from any producing, manufacturing, processing, institutional, commercial, service, agricultural, or other operation, including food establishments, which are required to be controlled by federal, state of California or local regulations or which interfere with the operation and maintenance of the wastewater system or facilities. These exclude domestic wastewater, but may also include wastes of human origin similar to domestic wastewater.

M. "Mass emission rate" shall mean the weight of a specific material discharged to the public sewer during a given time interval.

N. "Parcel" shall mean a piece of land as described or shown upon current records of the county recorder of San Diego County.

O. "Person" shall mean any individual, partnership, entity, firm, association, corporation or public agency including the state of California and the United States of America.

P. "Public sewer" shall mean a sewer owned and operated by the city which is tributary to treatment or reclamation facilities operated or utilized by the city of Chula Vista.

Q. "Private sewer" shall mean a privately maintained sewer constructed from its connection with a public sewer across public and/or private property to provide sewer service to two or more individual parcels of record, and for which a written agreement pursuant to CVMC 13.08.090 has been filed with the director.

R. "Sewage" shall have the same meaning as "wastewater."

S. "Sewer connection" shall mean the physical facilities involved and/or the act of construction of a viable juncture between a building sewer or private sewer, and sewer lateral or the public sewer system.

T. "Sewer lateral" shall mean a four-inch or six-inch diameter, privately maintained sewer constructed from its connection with a public sewer across public property to the boundary of such public property so as to provide sewer service to buildings or structures situated upon an individual parcel of record.

U. "Sewer service" shall mean the service and benefits derived through utilization of the public sewer system.

V. "Standard methods" shall mean procedures described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

W. "Suspended solids" shall mean any insoluble material contained as a component of wastewater and capable of separation from the liquid portion of said wastewater by laboratory filtration as determined by the appropriate testing procedure and standard methods.

X. "Treatment facilities" shall mean facilities owned or utilized by the city in the treatment of wastewater or for the reclamation of wastewater.

Y. "Waste" shall mean any and all waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, processing, institutional, commercial, service, agricultural, food preparation or other operation.

Z. "Wastewater" shall mean waste and water, whether treated or untreated, discharged directly or indirectly into, or permitted to enter, a public sewer. "Wastewater" includes both domestic and industrial wastewater.

AA. "Wastewater constituents and characteristics" shall mean the individual chemical, physical, bacteriological or radiological parameters, including volume, flow rate and such other parameters that define, classify or measure the quality and quantity of wastewater.

BB. "Wastewater system or facilities" shall mean any and all public facilities used by the city for collecting, conveying, pumping, treating, disposing and reclaiming wastewater. (Ord. 2790, 1999; Ord. 2466 § 7, 1991).

Chapter 13.06

GENERAL PROVISIONS

Sections:

- 13.06.010 Administration.
- 13.06.020 Time limits.
- 13.06.030 Inspection and sampling – General.
- 13.06.040 Recording of receipt of moneys.
- 13.06.050 Estimated quantities and values.
- 13.06.060 Interference with city's wastewater system or facilities.
- 13.06.070 Falsifying information.
- 13.06.080 Discharge as a public nuisance.
- 13.06.090 Costs of damage or cleanup.
- 13.06.100 Administrative enforcement.
- 13.06.110 Administrative notice, hearing and appeal procedures.
- 13.06.120 Judicial enforcement.

13.06.010 Administration.

The director of public works ("director") shall administer, implement and enforce the provisions of this title. Any powers granted to or duties imposed upon the director may be delegated by the director to persons in the employ of the city, or pursuant to contract.

The director shall make and enforce regulations necessary to the administration of this title and may recommend that the council amend such regulations from time to time as conditions require. These regulations shall be consistent with the general policy established herein by the city council and shall be subject to prior review and approval by the city council. (Ord. 2466 § 7, 1991).

13.06.020 Time limits.

Any time limit provided in any written notice or in any provision of this title may be extended only by a written directive of the director. (Ord. 2466 § 7, 1991).

13.06.030 Inspection and sampling – General.

A. The director may cause inspection and sampling of every facility involved directly or indirectly with the discharge of wastewater to the city's wastewater system as deemed necessary. These facilities shall include, but not be limited to, sewer laterals, sewer connections, private sewers, public sewers, wastewater pumping stations, pollution control plants, all industrial processes, food establishment facilities or other facilities which may discharge grease and oil at levels which cause blockages to the sewer, industrial wastewater generation

facilities, conveyance and pretreatment facilities, and all similar wastewater facilities. Inspections may be made to determine that such facilities are constructed, maintained and operated properly and are adequate to meet the provisions of this chapter.

B. Owners, users and operators of all facilities directly or indirectly connected to the city's wastewater system, whether under construction or completed, shall give access to authorized personnel or representatives of the city at all reasonable times, including those occasioned by emergency conditions. Any permanent or temporary obstruction to easy access to the wastewater facility to be inspected shall promptly be removed by the facility owner, user or operator at the written or verbal request of the director and shall not be replaced.

No person shall interfere with, delay, resist or refuse entrance to an authorized city inspector attempting to inspect any wastewater generation, conveyance or treatment facility connected directly or indirectly to the city's wastewater system, and the provisions of Chapter 1.16 CVMC shall not apply.

C. The city, through its representatives or inspectors, shall have the right to inspect and copy pertinent records relating to a permittee's wastewater discharge or pretreatment operations including inventories, chemical usage, materials, sources, hazardous materials manifests and disposal records, treatment and operations log books, and materials invoices.

D. The director shall provide adequate identification for all inspectors and other authorized personnel, and those persons shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor. (Ord. 2466 § 7, 1991).

13.06.040 Recording of receipt of moneys.

The director shall keep a permanent and accurate account of all fees, costs, charges, and civil penalties received under this title, giving the names and addresses of the persons on whose account such moneys were paid, the date and amount thereof, and the purpose for which paid. (Ord. 2466 § 7, 1991).

13.06.050 Estimated quantities and values.

Unless otherwise provided herein, whenever the fees and charges required by this title are based on estimated values or estimated quantities, the director shall make such determinations in accordance with established estimating practices. (Ord. 2466 § 7, 1991).

13.06.060 Interference with city's wastewater system or facilities.

It is unlawful for any person to willfully enter, break, destroy, uncover, open, restrict flow, bury, deface or tamper with any sewer or any structure, equipment or appurtenance which is part of the city's wastewater system or facilities. (Ord. 2466 § 7, 1991).

13.06.070 Falsifying information.

It is unlawful for any person to knowingly make any false statement, representation, record, report, plan or other document filed with the director or to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this title. (Ord. 2466 § 7, 1991).

13.06.080 Discharge as a public nuisance.

Discharge of wastewater in any manner in violation of this title, or in violation of any order issued by the director as authorized by this title, is hereby declared unlawful and a public nuisance and shall be corrected or abated as directed by the director. (Ord. 2466 § 7, 1991).

13.06.090 Costs of damage or cleanup.

Any person who violates any of the provisions of this title or who otherwise causes a deposit, obstruction, damage or any other impairment to the city's wastewater system or facilities is liable to the city for all damages, losses or expenses of cleanup or repair occasioned the city by reason of such violation or discharge. Additionally, this title is intended to create a private cause of action in any person suffering damages, losses or expenses as a result of such violation. (Ord. 2466 § 7, 1991).

13.06.100 Administrative enforcement.

A. Termination of Service. When deemed necessary for the preservation of public health or safety or for the protection of public or private property, the director may notify any person or persons using the wastewater system in a manner or way to endanger the public health or safety, or public or private property, in writing, of intention to suspend sewer service. In case of emergency, the director may act immediately to suspend sewer service without notice or warning to said person or persons. In suspending service, the director may sever all pertinent connections to the public sewer.

If service is so suspended, the director shall keep an account of the cost of suspension and remedy of the emergency situation, and bill the property owner and/or other person responsible therefor.

The director shall give the affected person(s) notice of and opportunity for hearing on the need for and the cost of emergency action as soon as practicable after taking such action.

B. **Revocation of Permit.** The director may revoke any industrial wastewater discharge permit and terminate it if a violation of any provision of this title is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance. Such revocation shall be carried out pursuant to CVMC 13.06.110. This provision is cumulative of other statutes or rules authorizing termination of service for delinquency in payment and other civil, criminal or administrative enforcement actions provided for in this title.

C. **Civil Penalties.** Any person who violates any provision of this title or permit condition or who discharges wastewater which adversely affects the wastewater system or facilities, or who violates any cease and desist order or prohibition issued by the director, or national pretreatment standard shall be liable civilly for a penalty not to exceed \$1,000 for each day in which such violation occurs, not to exceed \$100,000 in total. Imposition of such civil penalties shall be pursuant to the procedures set forth in CVMC 13.06.110.

D. **Recalculation of Sewer Service Charges.**

1. When the director determines that the permittee is discharging a flow rate or a quantity of flow, chemical oxygen demand, suspended solids or other constituent in excess of that authorized by the permit or in excess of the quantities reported to the director by the permittee, the director shall recalculate the sewer service charge. The director may further institute proceedings to revoke the permit, or upon application, may issue an amended permit.

2. The data obtained in samplings, or any other relevant information obtained by the director or presented by the permittee, shall be used by the director as the quantity parameters used to determine a correct sewer service charge. When the director makes a determination pursuant to subsection (D)(1) of this section, in the absence of other evidence, the director shall presume that the permittee/discharger was discharging at the determined parameter values over the preceding three years or since the director's previous verification of quantity parameters, whichever period is shorter.

The permittee shall be assessed for all delinquent sewer service charges together with penalty and interest. Before these charges shall be assessed, at least two additional 24-hour samples

and flow measurements shall be obtained by the director, with all costs of sampling and analyses to be paid by the permittee. Imposition of said delinquent charges, penalties and interest shall be pursuant to the procedures set forth in CVMC 13.06.110. (Ord. 2466 § 7, 1991).

13.06.110 Administrative notice, hearing and appeal procedures.

A. Unless otherwise provided herein, any notice required to be given by the director under this title shall be in writing and served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the director.

Where the address is unknown, service may be made upon the owner of record of the property involved. Such notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service whether or not the registered or certified mail is accepted.

B. Except for emergency suspension of sewer service (as provided in CVMC 13.06.100(A)), when the director determines that a violation of one or more provisions of this title exists or has occurred, any violator(s) or property owner(s) of record may be served by the director with a written notice and order. The notice and order shall state the municipal code section violated, describe how violated, the location and date(s) of the violation(s), and describe the corrective action required. The notice and order shall require immediate corrective action by the violator(s) or property owner(s) and explain which method(s) of administrative enforcement is being utilized by the director: suspension of sewer service, revocation of permit, civil penalties, and/or recalculation of sewer service charges. The notice and order shall also explain the consequences of failure to comply, including that civil penalties begin to immediately accrue if compliance is not achieved within 10 days from the date the notice and order is issued. The notice and order shall identify all hearing rights. The director may propose any enforcement action reasonably necessary to abate the violation.

C. If the violation(s) is not corrected within 10 days from the date the notice and order is issued, the director shall request the city manager to appoint a hearing officer and fix a date, time, and place for hearing. The director shall give written notice thereof to the violator(s) or owner(s) of record, at least 10 days prior to the date for hearing.

1. The hearing officer shall consider any written or oral evidence presented to determine whether the violation(s) exists; service should be terminated; the permit should be revoked, suspended, or modified; civil penalties should be imposed; and/or sewer service charges should be imposed, consistent with rules and procedures for the conduct of hearings and rendering of decisions established and promulgated by the city manager.

2. In determining whether action regarding a permit should be taken, or the amount of a civil penalty to be imposed, the hearing officer may consider any of the following factors:

- a. Duration of the violation(s);
- b. Frequency or recurrence;
- c. Seriousness;
- d. History;
- e. Violator's conduct after issuance of the notice and order;
- f. Good faith effort to comply;
- g. Economic impact of the penalty on the violator(s);
- h. Impact of the violation on the community;
- i. Any other factor which justice may require.

3. If the violator(s) or owner(s) of record fails to attend the hearing, it shall constitute a waiver of the right to a hearing and adjudication of all or any portion of the notice and order.

4. The hearing officer shall render a written decision within 10 days of the close of the hearing, including findings of fact and conclusions of law, identifying the time frame involved and the factors considered in assessing civil penalties, if any, or recalculation of sewer service charges, as appropriate. The decision shall be effective immediately, unless otherwise stated in the decision. The hearing officer shall cause the decision to be served on the director and all participating violators or owners of record.

5. If the persons assessed recalculated sewer service charges or civil penalties fail to pay them within the time specified in the hearing officer's decision, the unpaid amount constitutes either a personal obligation of the person assessed or a lien upon the real property on which the violation occurred, in the discretion of the director. If the violation(s) is not corrected as directed, the recalculation/civil penalty continues to accrue on a daily basis. Civil penalties may not exceed \$100,000 in the aggregate. When the violation is subsequently corrected, the director shall notify the violator(s) and/or owner(s) of record of the outstanding recal-

culated sewer service charges and/or civil penalties, and provide an opportunity for hearing if the amount(s) is disputed within 10 days from such notice.

6. The director shall take all appropriate legal steps to collect these obligations, including referral to the city attorney for commencement of a civil action to recover said funds. If collected as a lien, the director shall cause a notice of lien to be filed with the county recorder, and inform the county auditor and county recorder of the amount of the obligation, a description of the real property upon which the lien is to be recovered, and the name of the agency to which the obligation is to be paid. Upon payment in full, the director shall file a release of lien with the county recorder. (Ord. 2466 § 7, 1991).

13.06.120 Judicial enforcement.

A. **Criminal Penalties.** Notwithstanding CVMC 1.20.010, any person who violates any provision of this title or permit condition or who discharges wastewater which adversely affects the wastewater system or facilities or who violates any cease and desist order, prohibition or national pretreatment standard shall be punished, upon conviction, by a fine of not to exceed \$10,000 for each day in which such violation occurs, or by imprisonment in the county jail for not more than one year, or both.

B. **Injunction/Abatement of Public Nuisance.** Whenever a discharge of wastewater is in violation of the provisions of this title or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the director may also cause the city to seek a petition to the superior court for the issuance of a preliminary or permanent injunction or both, or an action to abate a public nuisance, as may be appropriate in restraining the continuances of such discharge.

C. **Other Civil Action.** Whenever a notice and order or hearing officer's decision is not complied with, the city attorney may, at the request of the director, initiate any appropriate civil action in a court of competent jurisdiction to enforce such notice and order or decision, including the recovery of any unpaid sewer service charges or civil penalties provided for therein. (Ord. 2466 § 7, 1991).

Chapter 13.08**PERMITS, PLANS, CONSTRUCTION,
INSPECTION AND USE OF
WASTEWATER FACILITIES**

Sections:

- 13.08.010 Director – Duties.
- 13.08.020 Connections to public sewers –
Wastewater facility construction –
Plans and permits – Required.
- 13.08.030 Conformity of plans for wastewater
facilities to city standards.
- 13.08.040 Inspection, backfilling and testing of
wastewater facilities.
- 13.08.050 Sewer service required.
- 13.08.060 Sewer connections and sewer laterals
– Work to be done by city.
- 13.08.070 Limitations on point of discharge.
- 13.08.080 Location of sewer connection –
Authority of director to designate.
- 13.08.090 Separate sewer lateral required and
allowable deviations.
- 13.08.100 Reuse of old sewer laterals.
- 13.08.110 Occupancy of premises with
unapproved sewer lateral.

13.08.010 Director – Duties.

The director shall issue permits, review plans, and inspect and make permanent record of:

A. All wastewater facility construction, repairs, sewer connections and disconnections within public rights-of-way.

B. All industrial wastewater pretreatment facility construction and repairs upon private property. (Ord. 2466 § 7, 1991).

**13.08.020 Connections to public sewers –
Wastewater facility construction –
Plans and permits – Required.**

A. No person, other than employees of the city, shall construct, connect or disconnect any public or private wastewater facilities within the public rights-of-way without first obtaining approval of plans and a permit from the director, unless such work is performed under written contract or agreement with the city. A permit shall not be assignable or transferable and shall become void after 60 days if work for which the permit is issued has not commenced.

B. Application for permit must be made in writing to the director by the owner of the property to be sewer, or authorized agent. The application

shall be of such form and content as required and provided by the director.

C. The applicant shall submit to the city for approval construction plans and such specifications and other details as required to describe fully the proposed wastewater facility. The plans shall have been prepared under the supervision of, and shall be signed by, an engineer of suitable training registered in the state of California. (Ord. 2466 § 7, 1991).

**13.08.030 Conformity of plans for wastewater
facilities to city standards.**

Construction plans, specifications and details as necessary to fully describe a proposed wastewater facility or wastewater facility modification shall be in full conformity with the following documents as adopted, and amended from time to time, by the Chula Vista city council:

A. "Standard Specifications for Public Works Construction," published by BNI Books;

B. "Design Standards – 1990 – Construction Standards," by Chula Vista department of public works;

C. "City of Chula Vista Subdivision Manual";

D. "San Diego Area Regional Standard Drawings," by San Diego County department of public works.

Copies of all such documents shall be available at the office of the director. (Ord. 2466 § 7, 1991).

**13.08.040 Inspection, backfilling and testing of
wastewater facilities.**

A. All construction or modification of wastewater facilities, whether under permit, agreement with the city, or city contract, shall be inspected by city forces during construction so as to assure full compliance with approved plans, specifications and details, in addition to adopted city standards as referenced in CVMC 13.08.030.

B. No person other than duly authorized employees of the city shall backfill any trench or excavation made for the purpose of constructing a wastewater facility until the pipe or structure therein shall have been inspected by the director and written approval has been given in such form as may be determined by the director. The entire length of pipe shall be fully exposed for inspection. At least 24-hour notice shall be provided in advance of such sewer inspection.

C. The director may employ such tests as deemed necessary in testing sewers and other wastewater facilities. The contractor shall furnish

all tools, labor and assistance necessary for such tests. (Ord. 2466 § 7, 1991).

13.08.050 Sewer service required.

All buildings which contain any plumbing fixtures and for which, in the opinion of the director, service via the public sewer system is reasonably feasible must be connected to the public sewer system. (Ord. 2466 § 7, 1991).

13.08.060 Sewer connections and sewer laterals – Work to be done by city.

All sewer connections and all sewer lateral installations within public rights-of-way shall be done by the city or its authorized agents. (Ord. 2466 § 7, 1991).

13.08.070 Limitations on point of discharge.

No person shall discharge any substance(s) directly into a manhole or other opening in a public sewer other than through an approved sewer connection. (Ord. 2466 § 7, 1991).

13.08.080 Location of sewer connection – Authority of director to designate.

The director shall have the authority to designate the public sewer to which any building shall be connected, considering all engineering factors and all outstanding financial obligations, and the owner of any building may be required to install pumps or ejectors to discharge part of or all sewage into the public sewer designated by the director. (Ord. 2466 § 7, 1991).

13.08.090 Separate sewer lateral required and allowable deviations.

Every building or parcel in need of sewer service shall be served by a separate and individual sewer lateral. Deviations from this requirement may be granted by the director after plans have been submitted to and approved by the building and housing department and the public works department, engineering division, and it has been determined that the deviation will provide a practical sewage disposal system and will not impose a financial burden upon the city or relieve the property owner(s) from any financial obligation in connection with the cost of the public sewer or other sewerage facilities designed to provide sewer service to the subject building(s) or parcel(s). The director may authorize use of the same sewer lateral in any of the following circumstances of deviation:

A. Where more than one building is situated upon the same parcel, all of which are owned by the

same person, and said parcel may not legally be split or subdivided, or said owner agrees in a written instrument suitable for recordation that all of said parcel will be held under the same ownership as long as independent sewer laterals are not provided;

B. Where public school districts, governmental agencies or large commercial or industrial installations are involved;

C. Where two or more parcels are involved; provided, that a written agreement concerning use of the lateral and requiring private responsibility for the future costs of maintenance and repair of the lateral has been filed with the director, fully executed and in a form suitable for recordation. (Ord. 2466 § 7, 1991).

13.08.100 Reuse of old sewer laterals.

No new building or other structure shall be provided sewer service via a previously used sewer lateral within public rights-of-way unless such used lateral has been inspected and approved in writing by the director. (Ord. 2466 § 7, 1991).

13.08.110 Occupancy of premises with unapproved sewer lateral.

It is unlawful for any person to use or occupy any building until the sewer lateral and building sewer serving such building has been inspected and approved by the director and the building official, or their duly authorized representatives, and a certificate of occupancy or final inspection approval has been issued. (Ord. 2790, 1999; Ord. 2466 § 7, 1991).

Chapter 13.10**INDUSTRIAL WASTEWATER****Sections:**

- 13.10.010 Industrial wastewater discharge – Permit required.
- 13.10.020 Permit application.
- 13.10.030 Industrial wastewater discharge permits – Issuance standards.
- 13.10.040 Industrial wastewater discharge permits – Approval – Contents – Display.
- 13.10.050 Duration of industrial wastewater discharge permits.
- 13.10.060 Amended permits – Fee.
- 13.10.070 Transfer of an industrial wastewater discharge permit or changed use.
- 13.10.080 Revocation of industrial wastewater discharge permit.
- 13.10.090 Mass discharge limits.
- 13.10.100 Permit conditions, supplemental reports.
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- 13.10.120 Industrial wastewater discharge permit compliance costs.
- 13.10.130 Pretreatment – General.
- 13.10.140 Pretreatment – Industrial wastewater facilities – Approval of plans and issuance of permits.
- 13.10.150 Pretreatment – Grease – Food establishments.
- 13.10.160 Maintenance reports – Food establishments.
- 13.10.170 Protection from accidental discharge.
- 13.10.180 Limitations on the use of garbage grinders.
- 13.10.190 Facilities.
- 13.10.200 Records retention.

13.10.010 Industrial wastewater discharge – Permit required.

No person shall discharge industrial wastewater into the wastewater system or facilities without a permit (“permit for industrial wastewater discharge”) issued therefor by the director. (Ord. 2466 § 7, 1991).

13.10.020 Permit application.

A. Persons seeking an industrial wastewater discharge permit shall complete and file with the director an application in the form prescribed by the director and accompanied by the applicable fees, as

set forth in the master fee schedule as modified from time to time by resolution of the city council. The technical data submitted shall be projected or actual, dependent upon applicable circumstances. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

1. Name, address and standard industrial classification number of applicant;
2. Volume of wastewater to be discharged;
3. Wastewater constituents and characteristics including, but not necessarily limited to, those mentioned in CVMC 13.12.010, entitled “Prohibited discharges,” all as determined by a laboratory approved by the city;
4. Time and duration of discharge;
5. Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any;
6. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
7. Plans or diagrams depicting location of on-site sewer lines, pumping stations, and any reclamation or pretreatment facilities;
8. Time of food preparation operations (only required for food establishments);
9. Description of food preparation, type, number of meals served, cleanup procedures, dining room capacity, number of employees and number of fixtures (only required for food establishments);
10. Any other information as may be deemed by the director to be necessary to evaluate the permit application.

B. The director will review the data furnished by the applicant and may require submission of additional information, and may require approval by other concerned city departments. After review and acceptance of the data furnished, an on-site inspection of the site and/or the industrial wastewater discharge system or other systems or processes relating to the industrial wastewater discharge may be required. (Ord. 2466 § 7, 1991).

13.10.030 Industrial wastewater discharge permits – Issuance standards.

An industrial wastewater discharge permit shall be issued only if the director concludes from the information provided in the application, any additional required information, and/or site inspection that the permitted discharge will not:

- A. Be in violation of CVMC 13.12.010;
- B. Damage the wastewater system or facilities;

C. Impose unreasonable collection, treatment or disposal costs on the city;

D. Interfere with wastewater treatment or reclamation processes;

E. Be in violation of the Federal Water Pollution Control Act, the Federal Clean Water Act and California regulatory agencies requirements;

F. Be in violation of the requirements of applicable interagency agreements to which the city is signatory;

G. Detrimentially affect the local environment. (Ord. 2466 § 7, 1991).

13.10.040 Industrial wastewater discharge permits – Approval – Contents – Display.

A. The director shall approve issuance of an industrial wastewater discharge permit when the application therefor is in full conformity with CVMC 13.10.020 and 13.10.030.

B. The director may conditionally approve the permit. The industrial wastewater discharge permit may include quantity or quality restrictions, submission of periodic reports, pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the city, relocation of point of discharge, prohibition of discharge of certain wastewater components, installation of monitoring and/or metering facilities, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the city created by the wastewater discharge, repayment of costs incurred by the city (relative to compliance tests, violations of the terms of the permit, nonroutine inspections and administrative activities), and such other conditions as may be required to effectuate the purpose of this title.

C. The industrial wastewater discharge permit shall specify what discharges are permitted, any conditions imposed, and that it is issued subject to all provisions of this title and all other regulations, user charges and fees established from time to time by ordinance or resolution of the city council, as well as reimbursement of enforcement costs incurred by the city.

D. The permittee shall promptly post and continuously display the permit, or accurate and complete copies thereof, at such bulletin board or other prominent place or places as to assure its availability to persons associated with the industrial wastewater discharge system or other systems or processes relating to the permitted industrial wastewater discharge. (Ord. 2466 § 7, 1991).

13.10.050 Duration of industrial wastewater discharge permits.

A. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

B. Multiyear permits for all years other than the first year shall be subject to submission of a renewal request and payment of an annual permit fee 30 days prior to the annual anniversary date of permit issuance. Single-year and the last year of multiyear permits expire on the date specified and therefore require submission of a new application for an industrial wastewater discharge permit and payment of the appropriate permit fee at least 30 days prior to the permit expiration date if the permit holder desires to continue operations.

C. Any permit for which appropriate application or renewal forms and annual permit fees (for multiyear permits) have not been received by the expiration or anniversary date, as appropriate, shall be considered expired or abandoned, and the director shall take appropriate enforcement action. (Ord. 2466 § 7, 1991).

13.10.060 Amended permits – Fee.

In addition to amended permits issued upon application of the permit holder, any industrial wastewater discharge permit shall be subject to amendment by the director at any time during the life of the permit for any of the following reasons:

A. Existence of flows, concentrations or facilities not in conformance with the permit.

B. Changes in state or federal regulations.

C. Imposition of mass discharge limits.

D. Modifications to the list of prohibited discharges as shown in CVMC 13.12.010.

The director shall issue an amended permit with such conditions as appropriate. No fee shall be charged for issuance of an amended permit pursuant to subsections (B), (C) and (D) of this section. The fee for an amended permit initiated by a permittee, or by the director, necessitated by conditions described in subsection (A) of this section, shall be in the amount set forth in the master fee schedule and paid by the holder of the permit. Any changes or new conditions in a permit shall include a specified reasonable time schedule for compliance. (Ord. 2466 § 7, 1991).

13.10.070 Transfer of an industrial wastewater discharge permit or changed use.

Each industrial wastewater discharge permit shall be issued to a specific permittee for a specific location, specific use and specific operation. Any sale, lease, transfer or assignment of the premises or operation for which the permit was issued shall require notice to the city and city approval, which shall not be unreasonably withheld. If the current operator or, upon sale, lease, transfer or assignment, the new operator changes any condition of operation, an amended permit shall first be applied for and obtained. (Ord. 2466 § 7, 1991).

13.10.080 Revocation of industrial wastewater discharge permit.

A. The director may revoke the permit of any permittee who is found to be in violation of this chapter, or any applicable local, state or federal law or regulation, or who:

1. Fails to factually report the wastewater constituents and characteristics of its discharge;
2. Fails to report significant changes in operations or wastewater constituents and characteristics;
3. Refuses reasonable access to the permittee's premises for the purpose of inspection or monitoring;
4. Fails to pay, for other than the first year of a multiyear permit, appropriate charges, fees and reimbursements within 30 days prior to the annual anniversary date of permit issuance;
5. Fails to pay compliance costs within 30 days following billing;
6. Causes or threatens to cause a condition of contamination, pollution, or nuisance;
7. Fails to install grease pretreatment devices as required by the permit (regarding food establishments);
8. Fails to fulfill reporting requirements or pretreatment maintenance as required by the permit (regarding food establishments);
9. Violates any condition of the permit; or
10. Transmits false information relative to its operations or discharge.

B. The director shall give the permittee written notice of intention to revoke the permit in accordance with the procedure set forth in CVMC 13.06.110. (Ord. 2466 § 7, 1991).

13.10.090 Mass discharge limits.

The director shall have the right to impose mass discharge limits in lieu of, or in conjunction with,

concentration discharge limits. Any such modifications shall be in writing and shall be incorporated into amended industrial wastewater discharge permits. (Ord. 2466 § 7, 1991).

13.10.100 Permit conditions, supplemental reports.

The director may at any time, with reasonable notice, require submission of data and/or information in addition to that required in the permit application or upon the permit. Such supplemental report may include, but not be limited to, changes in nature of process, volume, hourly rates of flow, mass emission rate, production quantities, hours of operation or other information which relates to the generation of waste, including specified constituents and characteristics of the wastewater discharge. Such report may also include the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. (Ord. 2466 § 7, 1991).

13.10.110 Supplemental sampling and monitoring requirements.

A. The director may at any time, with reasonable notice, require permittees to provide results of periodic measurements of its discharge which include chemical analyses and/or flow. The director may require a sampling and/or a monitoring facility to be furnished and operated at permittee's expense.

B. All permittees required to provide a monitoring facility shall furnish and install at an appropriate location a calibrated flume, weir, flow meter or similar device approved by the director suitable to measure flow rate and total volume. In lieu of wastewater flow measurement and when deemed appropriate, the director may accept records of periodic water meter readings and adjust the flow volume by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge.

C. The sampling and/or monitoring facility should normally be situated on the permittee's premises, but the director may, when such a location would be impractical or cause undue hardship on the user, by encroachment permit separately applied for, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

D. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the director's

requirements and shall be completed within 90 days following written notification by the director, unless a time extension is granted by the director.

E. Those permittees required by the director to make periodic measurements of industrial wastewater flows and constituents shall annually make the number of such periodic measurements as required in the permit.

F. When required by the director, permittees shall install and maintain in proper order automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment.

G. Permittees shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for purposes of sampling or in the performance of any of their duties. The director shall have the right to set up on the permittee's property such devices as are necessary to conduct sampling or metering operations. Where a permittee has security measures in force, the permittee shall make the necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel of the city shall be permitted to enter without delay.

H. All sampling, analysis and flow measurement procedures, equipment, results and records shall be subject at any time to inspection by the director. (Ord. 2466 § 7, 1991).

13.10.120 Industrial wastewater discharge permit compliance costs.

A. Persons discharging industrial wastewater to a public sewer without a permit for industrial wastewater discharge and persons whose discharge is not in conformity with the conditions of such a permit shall pay for all actual costs incurred by the city in order to bring them into compliance with this chapter and/or conditions of the permit.

Payment of compliance costs, if required, is in addition to the annual industrial wastewater discharge permit fee. Compliance costs shall be paid within 30 days following billing. Nonpayment of total charges within the specified period will constitute grounds for revocation of a permit and termination of sewer service in accordance with CVMC 13.06.100 and 13.10.080.

B. Costs will include, but not be limited to, those for the following:

1. Site inspection/investigation;
2. Monitoring and sampling;
3. Laboratory analyses;
4. Hearings and other compliance meetings;
5. Equipment and transportation;
6. Management and overhead;

7. Issuance of notices of violations and other pertinent correspondence. (Ord. 2466 § 7, 1991).

13.10.130 Pretreatment – General.

A. Permittees shall make wastewater acceptable under the limitations established herein before discharging to any public sewer. Any facilities required to pretreat wastewater to a level acceptable to the director shall be provided and maintained at the permittee's sole expense. Detailed plans, compliance schedules and operating procedures shall be submitted to the director for review and shall be approved by the director before construction of the facility. The review of such plans and operating procedures will in no way relieve the permittee from the responsibility of modifying the facility as necessary to produce an effluent acceptable under the provisions of this title and the industrial wastewater discharge permit. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the director. No permittee shall increase the use of process water or, in any way, attempt to dilute a discharge (except as allowed by federal pretreatment standards) as a partial or complete substitute for adequate treatment to achieve compliance with any local, state or federal discharge standard.

B. The director shall have the authority, in negotiation with any industrial permittee, to impose compliance schedules relating to installation of specific pretreatment equipment, filing of reports and achievement of specific discharge conditions including target parameter concentrations.

C. Pretreated wastewater shall conform to categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) under the authority of the Clean Water Act, Sections 307(b) and (c). (Ord. 2466 § 7, 1991).

13.10.140 Pretreatment – Industrial wastewater facilities – Approval of plans and issuance of permits.

A. The applicant shall submit to the director and to the director of building and housing for approval such construction plans and specifications and other details as required to fully describe the proposed industrial wastewater pretreatment facility. The plans shall have been prepared under the supervision of, and shall be signed by, an engineer of suitable training registered in the state of California.

B. The director will approve plans for industrial wastewater facilities construction and issue a permit for industrial wastewater discharge or any other

permit under this code only if it appears to the director that the proposed industrial wastewater facilities and the industrial wastewater discharge conform to the requirements of this title. The director of building and housing will approve plans for industrial wastewater facilities construction and issue a building or any other permit under this code only if it appears to the director of building and housing that the proposed construction conforms to the appropriate construction codes adopted by the city.

C. All required fees and charges shall be paid before approval of plans or issuance of any permit required under this title.

D. The approval of plans or the issuance of a permit shall not relieve the discharger of any duty imposed upon such permittee by this title. (Ord. 2466 § 7, 1991).

13.10.150 Pretreatment – Grease – Food establishments.

A. All food establishments shall install a grease pretreatment device in the waste line leading from the food preparation area, or from sinks, drains, appliances and other fixtures or equipment used in food preparation or cleanup, to where grease may be introduced into the sewerage system. Such grease pretreatment devices shall be installed to remove grease from wastewater and shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public sewer.

B. All food establishments shall also provide a collection drum or container for the purpose of physically segregating oils, greases and greasy solids. Food establishments shall establish procedures for personnel to practice maximum segregation of oils, greases and greasy solids to the collection drum or container prior to washing and other cleaning which goes into sewer. Food establishments shall properly remove and appropriately dispose of the material captured from grease pretreatment devices on wastewater lines and the collection drums for segregating oils, greases and greasy solids. (Ord. 2466 § 7, 1991).

13.10.160 Maintenance reports – Food establishments.

Food establishments shall keep records of grease pretreatment device cleaning, maintenance and grease removal and report on such maintenance to the director at the times and in the manner specified in their permits. The director may also require the permittee to provide periodic measure-

ments of its discharge, including chemical analysis of oil and grease content. (Ord. 2466 § 7, 1991).

13.10.170 Protection from accidental discharge.

A. Each permittee shall provide protection from accidental discharges of materials prohibited by CVMC 13.12.010. Permittees shall provide and maintain facilities to prevent accidental prohibited discharge at the permittee's own cost and expense. Plans and specifications for such facilities shall be subject to review and approved by the director.

B. In the case of an accidental prohibited discharge, the permittee shall:

1. Immediately notify both the director and the city of San Diego water utilities department industrial waste program ("San Diego") of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

2. Within five days following an accidental discharge, submit to the director and to San Diego a detailed written report describing the cause of the discharge and the measures to be taken by the permittee to prevent similar future occurrences. Such notification shall not relieve the permittee of any expense, loss, damages or other liability which may be incurred as a result of damage to any wastewater systems, fish kills or any other damage to persons or property; nor shall such notification relieve the permittee of any fines, civil penalties or other liability which may be imposed by this title or other applicable law.

3. Cause a notice to be permanently posted on the permittee's bulletin board or other prominent place prominently displaying for employees the names and telephone numbers to call in the event of an accidental prohibited discharge. Permittees shall ensure that all employees who may cause, allow or observe such an accidental discharge to occur are properly trained regarding compliance with the emergency notification procedures. (Ord. 2466 § 7, 1991).

13.10.180 Limitations on the use of garbage grinders.

Matter from domestic, commercial, or industrial garbage grinders shall not be discharged into the wastewater system or facilities. However, matter generated by garbage grinders in the preparation of food normally consumed on the premises is excepted from this prohibition. Additionally, if the permittee has obtained a permit for that specific use from the director and agrees to undertake what-

ever self-monitoring is required to enable the director to equitably determine the sewer service charges based on the waste constituents and characteristics, such matter is also excepted. Such grinders must shred the waste to a degree that all particles will be carried freely under the flow condition normally prevailing in the public sewer. It is unlawful to use a garbage grinder for grinding plastic, paper products, inert materials or garden refuse. (Ord. 2466 § 7, 1991).

13.10.190 Facilities.

If wastewater facilities capacity is not available, the director may require the industrial wastewater discharger permittee to restrict discharge until sufficient capacity can be made available. When requested, the director will advise persons who desire to locate new facilities as to which areas within the wastewater system where industrial wastewater of the requestor's proposed quantity and quality are expected to have sufficient capacity. The director may refuse sewer service to persons locating facilities in areas where their proposed quantity or quality of industrial wastewater is unacceptable for the available wastewater system or facility. (Ord. 2466 § 7, 1991).

13.10.200 Records retention.

All permittees subject to this chapter of this title shall retain and preserve, for not less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analysis made by or on behalf of a permittee in connection with its discharge. All records which pertain to matters which are the subject of administrative action or any other enforcement or litigation activities brought by the city shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 2466 § 7, 1991).

Chapter 13.12

UNLAWFUL DISCHARGES TO THE WASTEWATER SYSTEM

Sections:

13.12.010 Prohibited discharges.

13.12.010 Prohibited discharges.

A. Prohibited discharges shall include, but not be limited to, those containing constituents enumerated in this section. Such prohibitions are applicable to all users of the wastewater system. Any constituent not listed herein may be added by regulation or other prohibition promulgated by the director based on results of technical determinations, the actions of regulatory agencies, the projected impact of the constituent upon the wastewater system, and the capacity of wastewater treatment facilities to accommodate such constituent.

B. No person, whether or not a permittee, shall discharge or cause to be discharged directly or indirectly into a sewer lateral, or into the wastewater system or facilities, the following:

1. Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the wastewater system.

2. Any matter containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other substances, may create a health hazard for humans, animals or the local environment; interfere detrimentally with wastewater treatment processes; cause a public nuisance; or cause any hazardous condition to occur in the wastewater system.

3. Any matter having a pH lower than 5.0 or greater than 11.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the wastewater system.

4. Any solids or viscous substances or other matter of such quality, size or quantity that they may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, fatty acids, grease and oil, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground.

5. Any rainwater; storm water; ground water; street drainage; subsurface drainage; roof drainage; yard drainage; water from yard fountains, ponds or lawn sprays; or any other uncontaminated water.

6. Any matter having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or at a temperature which causes the influent to the waste treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).

7. Any matter containing more than 500 mg/l of oil or grease.

8. Any strongly odorous matter or matter tending to create odors.

9. Any matter containing over 1.0 mg/l of dissolved sulfides.

10. Any matter with a pH high enough to cause alkaline incrustations on sewer walls.

11. Any matter promoting or causing the promotion of toxic gases.

12. Any matter requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.

13. Any excessive amounts of deionized water, steam condensate, distilled water or single-pass cooling water.

14. Any radioactive matter, except:

a. When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and

b. When the matter is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code Title 17), and the Nuclear Regulatory Commission regulations and recommendations for safe disposal; and

c. When the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

15. Any matter producing excessive discoloration of the wastewater treatment plant effluent.

16. Any toxic materials including, but not limited to, all heavy metals, cyanide, phenols, chlorinated hydrocarbons and other organic compounds, unless limited to that concentration which complies with all local, state and federal discharge limitations, and which does not interfere with the operation of the wastewater facilities.

17. Any substance, liquid, gas or solid waste which would cause a public nuisance or hazard to life, or would be deleterious to the operation of wastewater facilities or to the waters receiving the discharge of the wastewater facilities.

18. Any cesspool or septic tank wastes. (Ord. 2466 § 7, 1991).

Chapter 13.14

FEES

Sections:

- 13.14.010 Fees – Record to be kept.
- 13.14.020 Fees – Sewer construction permit for installations within public right-of-way.
- 13.14.030 Connection to public sewer – Fee.
- 13.14.040 Public sewer connection fee – Methods of calculation.
- 13.14.050 Public sewer connection fee – Reimbursement agreement – Collection by city.
- 13.14.060 Public sewer connection fee – Reimbursement agreement – Obligation of owner to claim money – Forfeit when.
- 13.14.070 Public sewer connection fee – Reimbursement agreement – Sewer facilities of special importance – Additional specifications on charges.
- 13.14.080 Public sewer connection fee – Reimbursement agreement – Liability for future charges not relieved.
- 13.14.090 Sewer capacity charge.
- 13.14.100 Sewage pump station charge – Sewage pump station financing.
- 13.14.110 Sewer service charges designated – Payment required – Domestic purposes – Defined.
- 13.14.120 Reduced sewer service charges permitted when – Application – Contents – Refunds – Fees.
- 13.14.130 Sewer service charge variances permitted when – Application – Contents – Fees.
- 13.14.140 Sewer service charge exemptions permitted when – Application – Contents.
- 13.14.150 Payment of sewer service and pump station charges – Penalty for delinquency – Discontinuance of service – When – Unlawful connection – Backbilling and penalty.
- 13.14.160 Sewer service deposits required when – Amount.
- 13.14.170 Industrial wastewater discharge permits – Fees – Costs included in fees.

13.14.010 Fees – Record to be kept.

The director shall keep a permanent and accurate record of the amount, source, parcel, and purpose

for all payments received under the provisions of this chapter. (Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

13.14.020 Fees – Sewer construction permit for installations within public right-of-way.

The applicant for a permit to construct a sewer lateral within the public right-of-way shall pay to the city the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2466 § 7, 1991; Ord. 2202 § 1, 1987; Ord. 2107 § 1, 1985).

13.14.030 Connection to public sewer – Fee.

A. Any person applying for a permit to develop or modify the use of any parcel shall provide sewer service capability to that parcel at the property owner's expense. Where the owner constructs public sewer facilities, or contributes toward the costs of construction an amount in excess of the amount commensurate with the benefits to be received, as determined by the director, the city may enter into a reimbursement agreement with such person.

B. Any person desiring to connect, directly or indirectly, any parcel or any building thereon to any public sewer which has been constructed at no cost to the parcel to be connected shall pay the one-time required fee for sewer connection to the city. All revenue derived from such fees shall be deposited in the sewer income fund. The amount of such fee shall be determined by one of the following methods of calculation:

1. General front footage;
2. Other reasonable method as determined by council resolution;
3. Reimbursement agreement. (Ord. 2506 § 1, 1992; Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

13.14.040 Public sewer connection fee – Methods of calculation.

The director may issue a permit to make connection to the public sewer system upon payment of all fees required by ordinances and resolutions of the city including the sewer connection fee calculated on the basis of either:

A. General Front Footage. In the absence of a valid applicable reimbursement contract for repayment of costs involved in constructing public sewer facilities, the payment of the fee as set forth in the master fee schedule per front foot of the parcel sought to be connected. However, such front foot fee shall not be imposed upon a person who constructed or paid for the construction of the public sewer into which connection is sought; or

B. Special Circumstances. Whenever the city council, on recommendation of the director, determines that any public sewer benefits property which does not front upon such sewer, or where property does face upon a sewer, but where the shape of the property is other than the usual rectangular shape, or where it is unusual in area, or where for any other reason the strict adherence to the front foot charge provided in subsection (A) of this section would require a property owner to pay an amount not commensurate with the benefits to be received, the city council may, by resolution, determine the amount of money which such property or any unit portion thereof shall pay, in addition to and prior to the payment of other permit and connection fees. Such resolution shall take into consideration any contributions made by a property owner toward the cost of the construction of the sewer line in arriving at the amount of money to be paid by such property owner.

Prior to the adoption of such resolution, the director may allow a property owner to make use of such sewer facilities upon the owner guaranteeing to pay the amount to be provided in such resolution, and upon the deposit of an amount of money estimated by the director to be adequate, as a guarantee of the payment of the amount to be provided in the resolution; or

C. Reimbursement Agreement. The city may choose to enter into reimbursement agreements with persons, whether subdividers or not, who have constructed public sewer facilities with their own money and which facilities benefitted property the owners of which did not contribute to the construction of such facilities. Any such property owner desiring to be connected to any such public sewer facility, if such property or the owner thereof did not contribute toward the cost of the construction, shall not be permitted to connect without first paying the fee established in the applicable reimbursement agreement on file in the office of the director. (Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

13.14.050 Public sewer connection fee – Reimbursement agreement – Collection by city.

The city shall endeavor to collect the charges set forth in the various reimbursement agreements on file in the office of the director and cause the sum so collected, less city expense as set forth in the contract, to be reimbursed as provided in this chapter, but it shall not be liable for any failure to make such collection or reimbursement, and such obligation to collect such charges shall terminate six

years from the date the sewer facility is accepted as being completed by the city, except as may be provided hereinafter in this chapter. (Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

**13.14.060 Public sewer connection fee –
Reimbursement agreement –
Obligation of owner to claim money
– Forfeit when.**

It shall be the obligation of the person, whether a subdivider or not, to inquire of the city whether any such amounts have been paid into the city by a property owner who did not previously contribute toward the cost of the construction of the sewer facilities. If any such money remains on deposit with the city without being claimed by the party rightfully entitled to it, within one year it is deposited, such money shall be forfeited to the city, and then it shall be transferred to the sewer income fund of the city. (Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

**13.14.070 Public sewer connection fee –
Reimbursement agreement – Sewer
facilities of special importance –
Additional specifications on
charges.**

If the city council finds that a particular sewer facility is of special public interest because of its major importance to the city, it may, notwithstanding any other provision of this chapter, allow, by resolution, the following:

A. Time for Reimbursement. That the right to reimbursement for any subdivider, or for any individual, firm or corporation, as contemplated in this chapter, may be extended up to 20 years from the date that the sewer facility is accepted as being completed by the city;

B. Interest Added to Charge. That up to seven percent per year of the amount of the charge may be added thereto, but, however, only for the period fixed pursuant to the subsection (A) of this section, and the person who is entitled to reimbursement as contemplated in this chapter shall be entitled to receive such charge and the interest paid thereon. Interest shall be computed on a quarterly basis, and it shall be computed up to, but not including, the quarter in which payment of such charge is paid. (Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

**13.14.080 Public sewer connection fee –
Reimbursement agreement –
Liability for future charges not
relieved.**

In the event that any parcel for which a public sewer reimbursement agreement fee has been paid receives additional benefit from any public sewer in the collection system of the city, the payment of such fee shall not relieve the parcel owner from payment for such additional benefit, nor shall the property be relieved from the levy of a special assessment under any special assessment statute of the state for such additional benefit. (Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

13.14.090 Sewer capacity charge.

The owner or person making application for a permit to develop or modify use of any residential, commercial, industrial or other property which is projected by the director to increase the volume of flow in the city sewer system by at least one-half of one equivalent dwelling unit of flow shall pay a sewer capacity charge. All revenue derived from such fees shall be deposited in the trunk sewer capital reserve fund. The amount of such charge shall be the required fee(s). (Ord. 2547 § 6, 1993; Ord. 2506 § 1, 1992; Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

**13.14.100 Sewage pump station charge –
Sewage pump station financing.**

A. All the M/O costs for all city-owned sewage pump stations within Chula Vista, which costs are in excess of funds deposited by developers responsible for the construction of said pump stations, shall be paid from the general sewer budget.

B. When a permanent sewage pump station is approved for construction and has been constructed and accepted by the city, the developer shall deposit the M/O cost of the pump station for a period of 20 years based on an estimate by the city.

1. As an alternative to depositing the full 20-year M/O costs with the city immediately upon completion of the sewage pump station, the developer and the city may enter into an agreement providing for the M/O costs to be paid by the developer over a period of time. In this instance, the commitment to pay shall be guaranteed with adequate security, one form of which may be a lien upon the property to be developed. The amount of said lien may be adjusted over time as property is sold or as payments are made. No portion of the lien amount shall be reassigned to a buyer of a developed property.

2. In instances where the property to ultimately be served by a permanent pump station is not fully contained within the ownership of the developer who builds the pump station and an agreement with the city has been entered into as provided above, during a given year, that developer shall be responsible for the portion of the M/O cost which is proportional to the number of EDUs he has connected to the pump station as compared to the full number of EDUs connected to the pump station as determined by the director. In instances where the developer has deposited the full estimated 20-year M/O costs, a subsequent developer using the pump station shall be required to reimburse the original developer for previously deposited M/O costs (plus interest) for EDUs to be connected by that subsequent developer.

3. For temporary sewage pump stations, where the property to ultimately be served is not wholly within the ownership of the developer who builds the pump station, each subsequent developer connecting EDUs to the station shall be responsible for the payment of a portion of the annual M/O cost which is proportional to the number of EDUs that developer has connected as compared to the total number of connected EDUs.

C. For all active sewage pump stations, the total of M/O costs, including costs of replacements, utilities, personnel, equipment, supplies and overheads of all city sewage pump stations, shall be calculated by the city on a calendar year basis.

That total, plus an estimated amount for inflation, if any, less deposits or contributions estimated to be on hand at the end of the fiscal year current at that time, shall be included as a system cost in the normal city-wide sewer budget and distributed among all properties within the city connected to the Chula Vista sewer system during the fiscal year beginning on the immediately following July 1st.

D. The actual cost of bypassing or removing a temporary sewage pump station from service and connecting the collection system to an adjacent permanent gravity system shall be paid from the regular sewer budget, and that cost (less any remaining deposits collected for that purpose) shall be distributed among all properties connected to the Chula Vista sewer system.

E. This section shall not be applicable to any sewage pump station not owned by the city or to any agreement with a public agency or private entity concerning such a pump station.

F. All previous agreements and ordinances relating to special sewer service rate areas or zones are hereby amended to be in conformity with council Policy No. 570.03. This section is enacted pursuant to an exercise by the city council of its police powers as a charter city, and pursuant to Health and Safety Code Section 5471, Government Code Section 54300, et seq., or any other applicable state law. (Ord. 2596 § 4, 1994; Ord. 2547 § 7, 1993; Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

13.14.110 **Sewer service charges designated – Payment required – Domestic purposes – Defined.**

A. Amount. In addition to other fees, assessments or charges provided by the city code or otherwise, the owner or occupant of any parcel of real property, which said parcel is connected to the sewer system of the city and to a water system maintained by the Sweetwater Authority, the Otay Water District or the California – American Water Company, shall pay the required fee(s) for a sewer service charge. The city council shall establish said charge by resolution, or by ordinance (only if required in order for the fee to be collected on the tax bill).

B. Report. Every year the director of engineering shall determine the sewer service charge for the current fiscal year in accordance with subsection (A) of this section. The director shall file a report with the city clerk annually prior to August 10th, setting forth the description of each property affected and the amount of the proposed charge.

C. Assessment and Collection. The charge shall be prorated for new or restored service, and shall be calculated and assessed pursuant to subsection (A) of this section and collected in accordance with CVMC 13.14.150.

D. All revenue derived from such charges shall be deposited into the sewer revenue fund.

E. For the purpose of this section, real property shall be deemed to be used for domestic purposes when such property is used solely for domestic purposes when such property is used solely for single-family residences or the furnishing of lodging by the operation of hotels, auto courts, apartment houses, bungalow courts, housing units, rooming houses, motels, trailer parks, or the rental of property for lodging purposes. (Ord. 2914 § 1, 2003; Ord. 2547 § 8, 1993; Ord. 2506 § 1, 1992; Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

13.14.120 **Reduced sewer service charges permitted when – Application – Contents – Refunds – Fees.**

A. The director of finance shall have the authority to certify eligibility for a reduced sewer service charge, in the amount of 70 percent of the rate charged other residential users, upon investigation,

or upon application by the occupant of a single-family residence, apartment, condominium or mobilehome, when the occupant:

1. Meets the low income eligibility criteria as presently designated in the master fee schedule, or as may in the future from time to time be amended by city council resolution amending the master fee schedule; or

2. Provides proof of payment of a monthly sewer charge greater than the required fee(s) for minimum sewer service charge.

B. The occupant of premises subject to a sewer charge may request a reduced sewer service charge by filing a completed city application form. The applicant shall furnish data regarding the type of unit, number of people in the household and proof of total annual income ("gross") of the household. Application forms may be obtained from the city's finance department. Certification of eligibility shall be annually established with the director of finance.

C. Eligible occupants of single-family homes subject to the sewer service charge shall have the option of either requesting an annual refund from the city or requesting the reduced sewer charge be applied on the sewer billing.

D. Residents of apartments, condominiums or mobilehomes who are eligible for the reduced sewer service charge shall receive the reduced sewer charge as an annual refund only.

E. Requests for annual refunds shall be made by eligible households between August 1st and September 30th of each year for the past fiscal year beginning in July and ending in June. The applicant will be notified of eligibility status within 30 days of application and, if eligible, a refund shall be forwarded within 90 days of application. (Ord. 2547 § 9, 1993; Ord. 2506 § 1, 1992; Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

13.14.130 Sewer service charge variances permitted when – Application – Contents – Fees.

A. The city manager shall have the power to establish rules and regulations for the granting of variances from the established sewer service charges; provided, such rules and regulations shall be approved by resolution of the city council. The city manager or his/her designee shall have the power to grant variances from established sewer service charge billing categories upon receipt of a variance application as hereinafter provided from the owner or occupant of any premises, and one or more of the following situations exist:

1. Where a nonresidential user's wastewater contains a total suspended solids concentration sufficiently low as to qualify for a different sewer service charge strength category.

2. Where a substantial portion of the premises of an industrial or commercial establishment is used for industrial, commercial, recreational, horticultural or agricultural purposes of such a nature that the water supplied to such premises is not substantially discharged into the sewer system.

3. Where a residential user (with a separate water meter) has sufficient evidence to prove that his or her average winter consumption (usage from November 1st through April 30th), which forms the basis of their monthly sewer service charge, does not substantially correlate to the amount of sewage discharged into the sewer collection system.

B. The owner or occupant of any premises subject to the sewer service charge may apply in writing to the city manager for a reclassification of such premises ("variance") under the provisions of subsections (A)(1), (2) (3) of this section; provided, however, that no rebate upon such reclassification shall be allowed for a period more than 90 days preceding the filing of such application. The city manager or his/her designee shall render a decision as soon as practical, but not longer than 60 days after receipt of the request for a variance. The applicant shall bear the burden of proof and furnish substantial engineering and factual data to support the applicant's contention, by clear and convincing evidence, that the premises should be reclassified as provided in this section.

C. The owner or occupant of any premises requesting a variance from the sewer service charges pursuant to the provisions of this section and the rules and regulations approved by resolution of the city council shall pay the required fee(s) to cover the cost of investigation of said request (if any); provided, however, that no fee shall be charged for a request for total exemption from the sewer service charge. In addition, a special handling charge to cover the cost of billing and inspections to be paid per billing may be established in the resolution granting the variance by resolution of the city council. (Ord. 2966 § 1, 2004; Ord. 2506 § 1, 1992; Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

13.14.140 Sewer service charge exemptions permitted when – Application – Contents.

A. The director shall have the power to certify exemption from payment of sewer service charges either upon investigation or upon receipt of application from the owner or occupant of any premises; provided, one or more of the following situations exists:

1. Where a fire service connection to the water system is installed;
2. Where the premises are not connected to the wastewater system of the city;
3. When water is supplied to the premises through a separate water meter measuring irrigation water and that water is used entirely for irrigation purposes.

B. The owner or occupant of any premises subject to the sewer service charge may apply in writing to the director for exemption of such premises under the provisions of subsection (A) of this section; provided, however, that no rebate upon such exemption shall be allowed for a period more than 90 days preceding the filing of such application. The applicant shall furnish substantial evidence to support the applicant's contention that the premises should be exempted as provided in this section.

C. No fee shall be charged for a request for exemption from the sewer service charge. (Ord. 2466 § 7, 1991; Ord. 2107 § 1, 1985).

13.14.150 Payment of sewer service and pump station charges – Penalty for delinquency – Discontinuance of service – When – Unlawful connection – Backbilling and penalty.

A. Billing and Payment. All sewer service charges shall be billed upon a monthly or bi-monthly basis, or on the tax bill, as determined by the city council, and shall be payable upon the billing of such charges to the owner or the occupant.

B. 1. Director's Report. Annually, not later than August 10th, the city clerk shall set the report of the director of public works filed pursuant to CVMC 13.14.110 for public hearing before the city council and duly cause notice thereof, and of the filing of said report, to be published once at least 10 days in advance thereof in a newspaper of general circulation published in the city of Chula Vista.

2. Notice to Property Owner. When the director of public works requests that such charges be collected on the tax bill for the first time, the city clerk shall, in addition to the notice required by

subsection (B)(1) of this section, cause to be mailed to each person assessed for each property described in the report, at the address shown on the last available assessment roll, notice of the filing of the report and of the date, time, and place of the public hearing thereon. If such charges are collected on the tax bill pursuant to such notice, annually thereafter, such notice need not be given but only the notice by publication required by subsection (B)(1) of this section.

C. Council Action. The city council shall conduct a public hearing to consider the amount of such charges, and whether they shall be collected on the tax bill. The first year said charges are proposed to be placed on the tax bill, such action is subject to a majority protest.

1. If a majority of the owners of affected properties protest placement on the tax bill, the charges shall not be so collected, but shall be established by city council resolution and collected pursuant to subsection (D) of this section.

2. If there is no majority protest and the city council determines to place the charges, or some of them, on the tax bill, for those to be collected on the tax bill, the city council shall by ordinance approve the report of the director of public works, along with any corrections thereto, and establish the amounts of such sewer service charges to be placed on the tax bill. The city clerk shall endorse thereon that it is the report finally approved by the city council, and forward the appropriate data forthwith to the county auditor for enrollment on the assessment roll, and ultimate collection by the tax collector on the tax roll in accordance with Health and Safety Code Section 5473, et seq. Pursuant to Health and Safety Code Section 5473.8, all laws applicable to the levy, collection and enforcement of real property taxes, including, but not limited to, delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

a. Pursuant to Health and Safety Code Sections 5471 and 5473.10, the city council shall establish by ordinance the charges as those set forth in said report (along with any corrections) and hereby establishes the basic penalty for delinquency in the amount of 10 percent of the delinquent amount, plus one and one-half percent per month for nonpayment of the charge and basic penalty (designated for administrative convenience only in the master fee schedule), which shall also be collected by the tax collector on behalf of city.

b. The director of finance shall give notice to the owner of any parcel when any such charges become delinquent for 60 days, and of any penalties

and interest thereon as provided herein, and that they shall constitute a lien with the force, effect and priority of a judgment lien against the lot or parcel against which it was imposed, good for three years from recordation, if recorded. The director of finance shall record with the county recorder, pursuant to Health and Safety Code Section 5473.11, a certificate specifying the amount of the unpaid charges and penalties and interest thereon, when any such charges become delinquent for 60 days.

D. Nontax Bill. Alternatively, the charge and the billing therefor may be combined with other utility bills and separately designated, or otherwise billed and collected, as determined by the city council. Said charge, together with penalties and interest, and reasonable attorneys' fees (hereafter col-